

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

OSCAR HENRY BRANHAM,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-10-601-C
)	
JANE STANDIFIRD, Warden)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Valerie K. Couch, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Couch entered a Report and Recommendation on September 10, 2010, in which she recommends that Respondent's Motion to Dismiss be granted, unless Petitioner timely amends his complaint to omit the unexhausted claims. Petitioner has timely objected to the Report and Recommendation. The Court therefore considers the matter de novo.

Although Petitioner has filed an Objection, his objection contains no argument opposing Judge Couch's conclusions. In fact, he appears to urge adoption of the Report and Recommendation and has simultaneously submitted an Amended Petition omitting the unexhausted claim.

Accordingly, the Court adopts the Report and Recommendation of the Magistrate Judge; however, as Petitioner has filed an Amended Complaint, this matter is recommitted to the Magistrate Judge under the original Order of Referral.

IT IS SO ORDERED this 12th day of October, 2010.



ROBIN J. CAUTHRON
United States District Judge